

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**FELIX DELGADO, CARLOS
DOMINGUEZ, LUIS MAURISECA, KAE
HEUNG PARK, LONG FAN JIN, JORGE
PENAPIEL, MANUEL TENEZACA,
PASCACIO CALLEJAS, SANTOZ
MENDOZA, and JOAQUIN MACARENO,**

Plaintiffs,

-against-

**KIKO CONSTRUCTION INC., REX KIM,
and KWANG YONG BYUN,**

Defendants.

08CV1984 (DAB) (MDF)

ECF Case

REQUEST TO ENTER DEFAULT

TO: **J. MICHAEL McMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
VIA ECF**

Plaintiffs Felix Delgado, Carlos Dominguez, Luis Mauriseca, Kae Heung Park, Long Fan Jin, Jorge Penapiel, Manuel Tenezaca, Pascacio Callejas, Santoz Mendoza, and Joaquin Macareno, respectfully request the entry of default of the Defendant REX KIM pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned matter as fully appears from the Court file herein and from the attached Certification of Dillon Kim.

Dated: New York, New York
July 9, 2008

HOGAN & HARTSON LLP

/s/ Dillon Kim

Arlene L. Chow (AC 4533)
Dillon Kim (DK 4121)
875 Third Avenue
New York, NY 10022
(212) 918-3000

Tushar J. Sheth (TS 5672)
**ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND**
99 Hudson Street, 12th Floor
New York, New York 10013
(212) 966-5932

Steven Choi (SC 1906)
**YKASEC – EMPOWERING THE KOREAN
AMERICAN COMMUNITY**
136-19 41st Ave, 3rd Floor
Flushing, NY 11354
(718) 460-5600

*Attorneys for Plaintiffs Felix Delgado,
Carlos Dominguez, Luis Mauriseca, Kae
Heung Park, Long Fan Jin, Jorge Penapiel,
Manuel Tenezaca, Pascacio Callejas, Santoz
Mendoza, and Joaquin Macareno*

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MENDOZA, and JOAQUIN MACARENO,**

Plaintiffs,

-against-

**KIKO CONSTRUCTION INC., REX KIM,
and KWANG YONG BYUN,**

Defendants.

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**CERTIFICATION OF DILLON
KIM IN SUPPORT OF REQUEST
TO ENTER DEFAULT**

I, DILLON KIM, of full age and under penalty of perjury, certify as follows:

1. I am an attorney at law duly admitted to practice in the State of New York and the United States District Court for the Southern District of New York and the Eastern District of New York.

2. I am an attorney with the law firm of Hogan & Hartson LLP, counsel for Plaintiffs Felix Delgado, Carlos Dominguez, Luis Mauriseca, Kae Heung Park, Long Fan Jin, Jorge Penapiel, Manuel Tenezaca, Pascacio Callejas, Santoz Mendoza, and Joaquin Macareno, in this matter and am familiar with the facts set forth in this Certification.

3. This Certification is respectfully submitted in support of the entry of a Notation of a Default in Appearance against Defendant REX KIM.

4. This action was commenced on February 28, 2008 by the filing of the Complaint.

5. On the same day, a Summons was issued against the Defendant.

6. The Summons and Complaint were served on Defendant REX KIM on June 10, 2008 by personal service. A true copy of the Affidavit of Service is annexed here as Exhibit "A".

7. The time for Defendant REX KIM to appear or otherwise respond to the complaint of the Plaintiffs has expired and Defendant is now in default of appearance pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

8. As a result of the foregoing, Plaintiffs respectfully request that the Clerk of the Court enter a Notation of Default on the record in the form annexed here as Exhibit "B".

Dated: New York, New York
July 9, 2008

/s/ Dillon Kim

Dillon Kim (DK 4121)

EXHIBIT “A”

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

FELIX DELGADO, CARLOS DOMINGUEZ, LUIS
MAURISECA, KAE HEUNG PARK, et al.

SUMMONS IN A CIVIL ACTION

V.
KIKO CONSTRUCTION, INC., REX KIM,
KWANG YONG BYUN

CASE NUMBER:

08 CV 1984

JUDGE BATTS

TO: (Name and address of Defendant)

Kiko Construction, Inc.
41 Gleane Street,
Apt. E-11
Elmhurst, NY 11373

Rex Kim
14431 41st Ave.
Apt. 4 A
Flushing, NY 11355

Kwang Yong Byun
14330 38th Ave.
Apt. 5 N
Flushing, NY 11354

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Arlene L. Chow (AC 4533)
Dillon Kim (DK 4121)
Hogan & Hartson LLP
875 Third Avenue
New York, New York 10022
(212) 918-3000

Tushar J. Sheth (TS 5672)
Asian American Legal Defense and
Education Fund
99 Hudson Street, 12th Floor
New York, New York 10013
(212) 966-5932

Steven Choi (SC 1906)
YKASEC - Empowering
the Korean American
Community
136-19 41st Avenue,
3rd Floor
Flushing, New York 11355
(718) 460-5600

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 28 2008

CLERK

(By) DEPUTY CLERK

DATE

AO 440 (Rev. 2/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on _____ <div style="display: flex; justify-content: space-around;"> Date Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FELIX DELGADO, CARLOS DOMINGUEZ, et. al.

Plaintiff,

-against-

KIKO CONSTRUCTION, INC., REX KIM and
KWANG YONG BYUN,

Defendants.

Docket No.: 2008 CV 1984 (BATTS)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

COUNTY OF NEW YORK)

ss.:

JUAN ROLDAN, being duly sworn, deposes and says:

1. That I am not a party to this action, am over eighteen years of age and resides in the State of New Jersey;
2. That on June 10, 2008, at approximately 10:13 p.m., I personally served a true and correct copy of the **SUMMONS IN A CIVIL ACTION, COMPLAINT, Individual Practices of Judge Deborah A. Batts and Electronic Case Filing Rules & Instructions**, all upon **REX KIM, (an Individual)**, by Personal Service via Mr. Rex Kim, who identified himself as the person deponent was seeking to serve. Mr. Rex Kim, who is known and known to be, someone of suitable age and discretion and who indicated upon inquiry, that he is neither in Military Service nor dependant upon anyone within Military Service, which service was effected at his actual place of residence indicated below:

REX KIM
57-35 256TH Street / Multi Family House / Front Entrance
Little Neck, New York 11362

3. **Mr. Rex Kim** can best be described as:

Asian male – White skin – Brown hair (thinning in front) – Brown eyes - Approximately 35 - 45 years of age, 5'4" – 5'8" and 100 – 125 lbs.

Dated: June 10, 2008,
New York, New York

Sworn to before me on this the 10th day of June 2008.

JUAN ROLDAN
License No. 0983113

Holly Roldan
NOTARY PUBLIC

HOLLY ROLDAN
Notary Public, State of New York
No. 01RO6125752
Qualified in New York County
Commission Expires April 28, 2009

EXHIBIT “B”

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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08CV1984 (DAB) (MDF)

ECF Case

NOTATION OF DEFAULT

I, **J. MICHAEL McMAHON**, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the Defendant, **REX KIM**, has not filed an answer or otherwise moved with respect to the Complaint herein. The default of the Defendant, **REX KIM**, is hereby pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York
July 9, 2008

J. MICHAEL McMAHON
Clerk of the Court

By: _____

Deputy Clerk